

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

MARILUZ FERMIN and BELLANILDA
FERMIN,
Defendants.

22-CR-00012 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendants Mariluz Fermin and Bellanilda Fermin have filed post-sentencing motions requesting sentencing reconsideration. (ECF Nos. 83 and 84.) Under 18 U.S.C. § 3582(c), “[t]he court may not modify a term of imprisonment once it has been imposed” with limited exceptions. These exceptions include, among other things, a reduction in sentence pursuant to a compassionate release motion, 18 U.S.C. § 3582(c)(1)(A); a reduction in sentence based on a sentencing miscalculation, 18 U.S.C. § 3582(c)(1)(B), Fed. R. Crim. P. 35; and a reduction in sentence where a defendant has been sentenced to imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission, 18 U.S.C. § 3582(c)(2).

Defendants do not seek a sentencing reduction based on any of the exceptions enumerated in Section 3582. Instead, Defendants cite solely factors already considered by the Court under 18 U.S.C. § 3553(a) in imposing its sentences for the two defendants. Therefore, the Court does not have the authority to reconsider these sentences. However, the Court does have the discretion to defer a defendant’s surrender date, so long as the term of imprisonment is not modified.

Upon consideration of the issues raised in counsel's letters, the Court grants Defendant Mariluz Fermin's motion to the extent that her surrender date will be adjourned to June 5, 2024; her motion is otherwise denied. Defendant Bellanilda Fermin's motion is denied.

Accordingly, it is hereby ORDERED that:

Defendant Mariluz's Fermin's surrender date is ADJOURNED to June 5, 2024;

Defendant Bellanilda Fermin's surrender date will remain on December 4, 2023, as ordered by the Court on November 27, 2023. (ECF No. 90.)

The Clerk of the Court is directed to close motions at ECF Nos. 83, 84, 88, and 89.

SO ORDERED.

Dated: November 30, 2023
New York, New York



J. PAUL OETKEN
United States District Judge